IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 12839 of 2005

Between:

M/s. Suvarna Cements Ltd., Mallecheruvu Village, Nalgonda District,
rep. by its General Manager-Finance Sri Y. Sadasiva Rao,

S/o. Y. Venkateswarlu R/o. HIG 153, Road No.5 , KPHB colony, Hyderabad-500 072.

..... PETITIONER

AND

1 The Addl. Commissioner (CT), Legal, Nampally, Hyderabad.
2 The Asst. Commissioner (CT), LTU Nalgonda Division, Nalgonda.
3 The Secretary, The Sales Tax Appellate Tribunal, Commercial

Taxes Building, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings dt. 23-5-2005 in No. L1 II(3)/1613/05, L1 II(3)/463/2005, L1 II(3)/462/2005(4) L1 II(3) 461/2005 rejecting stay of Collection of taxes for the Asst. Years 2001-02(CST), 2002-03(CST)2003-04(CST), 2004-05(CST) is illegal, arbitrary, contrary to the provisions of Central Sales Tax Act, 1956 and to set aside the same consequently direct the respondents not to collect the Taxes, pending disposal of the Appeals before ADC & STAT and grant such other relief or reliefs as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.KUNUKU DURGA PRASAD

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court at the stage of admission made the following :

O R D E R (Per the Hon'ble Sri Bilal Nazki, ACJ):

Heard learned counsel for the parties and with their consent, the writ petition is disposed of at the stage of admission.

On payment of 50 per cent of the liability by the petitioner within a period of four weeks there shall be stay till the appeals are decided by the authorities. The amount already paid by the petitioner after the assessment shall be given credit to at the time of calculation of 50 per cent amount. For four weeks, there shall be an unconditional stay and stay shall continue if half of the liability is discharged during this period. If the petitioner fails to deposit the amount, the stay shall stand vacated automatically.

The writ petition is accordingly disposed of. No costs.

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(Bilal Nazki,ACJ)

17th June, 2005

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(G.Chandraiah,J)

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To

1 The Addl. Commissioner (CT), Legal, Nampally, Hyderabad.
2 The Asst. Commissioner (CT), LTU Nalgonda Division, Nalgonda.
3 The Secretary, The Sales Tax Appellate Tribunal, Commercial

Taxes Building, Nampally, Hyderabad.

4 2 CCs to the G.P. for Commercial Taxes, High Court buildings,

Hyderabad. (OUT)

5 Two C.Ds.

6 1 CC to MR.DURGAPRASAD